

Remarks

Claims 1-5 are pending as of the Final Office Action dated January 26, 2006. Claims 1-3 and 5 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,023,232 to Eitzenberger (hereinafter Eitzenberger) in view of MPEP 2144.03 (Reliance on Common Knowledge in the Art or "Well Known" Prior Art). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being obvious over Eitzenberger in view of MPEP 2144.03 and further in view of "Big Leo and the Dysprosium Project: The Bigfoot Mambo at the UnWired Ball," November 1993 by Joe Flower (hereinafter Flower). Applicants traverse the claim rejections and request reconsideration in view of the remarks and arguments set forth below.

In the present Office Action, which was again made Final, the Examiner has superseded the previously grounds of rejection (i.e., U.S. Pat. No. 6,246,688 to Angwin et al.) in view of the newly-discovered Eitzenberger and Flower references. Applicants disagree with the Examiner's characterization of Eitzenberger. Moreover, Applicants strenuously disagree with the Examiner's use of MPEP 2144.03 in issuing this final rejection.

Comments in connection with Eitzenberger

Applicants disagree with the Examiner's characterization of the central computer (1) of Eitzenberger as being the same as the Applicants' claimed router. Applicants contend that the central computer of Eitzenberger is nothing more than a vehicle controller that controls vehicle functionality such as, for example, engine, transmission, emissions, braking and convenience-type features such as power locks, windows, sliding doors, and the like. Applicants' contention is supported by Figure 2 of Eitzenberger that illustrates a CAN bus interface, which is typical for vehicle controllers. Such vehicle central computers (i.e., vehicle controllers) are not and do not function as a router with the recited functionality of:

- 1) managing a local network to which are connected at least one server and at least one work station fitted with their peripheral elements,
- 2) managing call processing functions and data transmission to the information system,
- 3) enabling information messages to be created, sent, received and read, during displacement of said on-board network system, from one physical access point to another one

Furthermore, even if, for argument's sake, the central computer of Eitzenberger could be considered a router according to a commonly-accepted definition (i.e., a device that directs traffic such as data packets between devices or networks), Applicants contend that Eitzenberger does not disclose, show, teach or suggest that "at least one workstation fitted with peripheral elements" connects with the central computer. The Examiner characterizes the personal digital assistant (PDA) shown in Figure 1 of Eitzenberger as being the same as the recited workstation, however, Applicants contend that a PDA is not a workstation according to a commonly-accepted definition (i.e., a computer, generally having high speed processing and high resolution graphic capability). Moreover, Eitzenberger does not disclose, show, teach or suggest that the PDA is fitted with peripheral elements.

In a clear contradistinction to Eitzenberger in which one central computer only can be operated in the vehicle, Applicants' recited on-board network system of the claimed mobile network system allows multi-user operation within the vehicle thanks to introduction of the recited router - similar to having a local area network (LAN) on the vehicle. The central computer of Eitzenberger does not provide such an on-board network system for multi-user operation.

In view of the foregoing remarks, Applicants request that the rejection of claims 1-3 and 5 be withdrawn.

Comments in connection with Flower

The Flower reference discusses in general the Iridium low earth orbit (LEO) satellite communication system and has little or no technical merit. Flower describes the Iridium system as a typical satellite telephony system, and states "In reality, it most often won't be ... extremely terrestrial." The Iridium system does not employ terrestrial access points as do terrestrial-based (e.g., GSM, CDMA, etc.) wireless networks. Nowhere in Flower is it disclosed, taught, shown or suggested that such a satellite telephony handset might be used to enable "an on-board network system to establish a communication with a radio channel access network, said radio channel access network being in turn inter-connected with a public or private fixed transport network, said transport network enabling said on-board network system to be connected to at least one physical access point of said information system with information

messages being exchanged between said on-board network system and said fixed information system for temporary connection to a fixed information system of a public network or a private company network” as Applicants claim. Contrary to the foregoing radio channel access network that exchanges information messages, Iridium handsets are used for voice communication only.

In view of the foregoing remarks, Applicants request that the rejection of claim 4 be withdrawn.

Remarks in connection with Examiner’s use of MPEP2144.03

MPEP 2144.03 states “In *limited circumstances*, it is appropriate for an examiner to take official notice of facts not in the record or to rely on “common knowledge” in making a rejection, however *such rejections should be judiciously applied.*” Furthermore, MPEP 2144.03 section A (Determine When It Is Appropriate To Take Official Notice Without Documentary Evidence To Support The Examiner’s Conclusion) states “Official notice without documentary evidence to support an examiner’s conclusion is permissible only in some circumstances. While “official notice” may be relied on, *these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113.*”

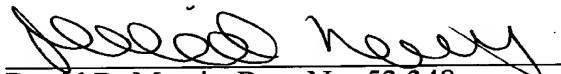
The Examiner states on page 4 of the Office Action “Eitzenberger suggested ... GSM/GPS systems, which is well known to have fixed access points on the ground.” While this is true, a GSM system should be analogized to Applicants’ recited “radio channel access network”, which is “in turn inter-connected with a public or private fixed transport network” as Applicants recite. Furthermore, Applicants’ recited transport network enables “said on-board network system to be connected to **at least one physical access point of said information system**”. Thus, the Examiner’s contention under MPEP 2144.03 fails because Eitzenberger’s GSM system is not disclosed, taught, shown or suggested to be “inter-connected with a public or private fixed transport network, said transport network enabling said on-board network system to be connected to at least one physical access point of said information system” as claim 1 recites. Moreover, Applicants direct the Examiner’s attention to Figure 1 of the as-filed application and the location of access point (AP) within the upper bubble labeled “PUBLIC OR PRIVATE BUSINESS NETWORK” – not within the inverse U-

In re Application of: Mereau et al.
Application No. 09/743,153
Response to Final Office Action of January 26, 2006

shaped bubble labeled "RADIO ACCES NETWORK." In view of the foregoing, it is clear that the Examiner has erroneously applied MPEP 2144.03.

In view of the foregoing remarks and arguments, Applicants request reconsideration and allowance of the present application. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,



David R. Morris, Reg. No. 53,348
GARDNER CARTON & DOUGLAS LLP
191 N. Wacker Drive, Suite 3700
Chicago, Illinois 60606-1698
(312) 569-1000 (telephone)
(312) 569-3000 (facsimile)
Customer No.: 08968

Date: March 24, 2006

In re Application of: Mereau et al.
Application No. 09/743,153
Response to Final Office Action of January 26, 2006



CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO FINAL OFFICE ACTION OF JANUARY 26, 2006 (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: March 24, 2006


Irina L. Mikitiouk

CH02/ 22443222.1